IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 4TH JULY 2006 / 13TH ASHADA 1928

Bail Appl..No. 3954 of 2006()

CRIME NO.307/2006 OF ANCHAL POLICE STATION

PETITIONER/ACCUSED:

SUBHASH BABU, VARPURA VEEDU,
EDAMULACKAL P.O., ANCHAL, KOLLAM DISTRICT.

BY ADV. SRI.GOPAKUMAR R.THALIYAL

RESPONDENTS: COMPLAINANT/STATE:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 3954 of 2006

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Dated this the 4th day of July, 2006

O R D E R

Petitioner is accused of an offence punishable under Section 420 of the Indian Penal Code read with Section 34 of the I.P.C. Anchal Police Station authorities registered Crime No.307/2006 on the complaint of one Sebastian who made deposit of Rs.11 lakhs and also his brother-in-law, who made a further deposit of Rs.5 lakhs.

2. The learned Public Prosecutor submitted that the petitioner has closed down his financial institution and is attempting to flee from the scene, on shutting down his house as well.

3. The learned counsel for the petitioner on the other hand submits that one Sabu, occupying the bottom portion of the building, who is on enimical terms with the petitioner has spread among those who came to the financial institution, that the petitioner is trying to close down that institution and that created a doubt. The counsel also further submitted, with

documents in his possession, that the petitioner is due to get about 70 lakhs from the debtors, to whom the amount has been given on interest and the petitioner has to pay back, only a sum of Rs.50 lakhs. The counsel, therefore, submits that he is ready and willing to submit all the records to the authorities concerned so that the entire amount may be returned to the depositors, after collecting the same from the debtors.

4. In the facts and circumstances of this case, I direct the petitioner to appear before the Judicial First Class Magistrate Court-I, Punalur on 07/07/2006 at 11 a.m. He may move an application for bail after serving a copy to the prosecution, which shall be considered by the court below on merit.

5. If the prosecution needs the petitioner in police custody, it is at liberty to file an application to get him in police custody and in such event, along with the bail application filed by the petitioner, learned Magistrate shall consider the application filed by the prosecution as well and pass appropriate orders, as per the law.

6. The petitioner shall not leave the limit of Anchal

Police Station for a period of one month and thereafter, shall not leave the limit of Sessions Division, Kollam, till the completion of the investigation, without prior permission of the magistrate court.

7. The learned Magistrate shall include the above conditions also, when any order is passed by him.

(J.M.JAMES)
Judge

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